



# MANAGING STAFF SICK LEAVE

## **1.0 Policy Statement**

1.1 Mary Immaculate College places great emphasis on the regular attendance of all employees at work. Employees are appointed to their positions on the understanding that they will maintain a level of attendance which will enable them to carry out their duties to a satisfactory standard. The College will take appropriate measures to manage employee attendance to ensure continuity of services.

1.2 The College does not expect people to work when they are unfit, and will actively discourage this practice, where it occurs. The College will treat the management of sickness absence in as sympathetic a manner as possible, however the focus of this policy is on the capability of employees to carry out their duties regularly and efficiently and not on the validity of illness

1.3 Management discretion will be exercised at all times in the application of managing attendance procedures and the particular circumstances of each individual case will be considered. The provisions of prevailing equality legislation will be given due consideration at all times.

1.4 All policies, guidelines and protocols of Mary Immaculate College, will reflect the Colleges commitment to the promotion of equality in accordance with law.

## **2.0 Aims of Document**

2.1 The aim of this policy is to assist in the management of sick leave by detailing arrangements for reporting, certifying and monitoring sick leave and managing problematic attendance.

2.2 Information on the Public Service Sick Pay Scheme is detailed separately. This document should be read in conjunction with the sick pay scheme. All sick pay is granted in line with the sick pay scheme and this policy.

## **3.0 Scope of Policy**

3.1 This policy applies to all employees of Mary Immaculate College.

## **4.0 Legislation/Other Related Policies**

4.1 Relevant legislation, regulations and codes of practice in relation to this document include:

- Unfair Dismissals Acts, 1977-2015
- Organisation of Working Time Act, 1997
- Parental Leave Acts, 1998 & 2006
- Employment Equality Acts, 1998 to 2015
- Public Service Management (Sick Leave) Regulations 2014, S.I. No. 124 of 2014 as amended by Public Service Management (Sick Leave) Amendment Regulations 2015 SI 384
- DES Circular - Revised Sick Leave Arrangements for all Staff of Universities

and other Third Level Colleges under the remit of the HEA

## 5.0 Responsibilities

5.1 Employees have a responsibility to:

- Attend work regularly and to render efficient service.
- Minimise absences resulting from accidents and ill health at work by cooperating fully with all safety measures, including training, introduced by the College
- Comply with the provisions of this policy and in particular to provide adequate notice of sick leave, to maintain contact with line managers during periods of sick leave, to provide medical certificates in a timely fashion and in accordance with policy and to provide a return to work certificate for all periods of certified sick leave
- Attend a nominated Medical Practitioner if requested by the College.
- Failure to comply with these requirements may result in suspension from the sick pay scheme and/or disciplinary action being taken.

5.2 Heads of Department/line managers have a responsibility to:

- Promote a positive attendance culture by communicating the importance of regular attendance, fostering teamwork and promoting and fostering the dignity at work of all employees.
- Ensure that appropriate action is taken to prevent or minimise occupational causes of ill health.
- Ensure the provisions of this policy are complied with and in particular to ensure medical certificates and notification of self-certified sick leave, are received on time, comply with policy requirements and are forwarded to the HR Office in a timely fashion.
- Conduct return to work interviews, counsel employees who have poor attendance and where necessary, invoke the disciplinary procedure in consultation with the Director of Human Resources.
- Ensure that the duties and responsibilities of the absent employee are covered as appropriate during the period of leave
- Inform other relevant staff and offices of the absence as appropriate (e.g., HR Office; Faculty Offices).

5.3 It is the responsibility of the HR Office to:

- Provide advice and support to managers and supervisors in the management and monitoring of sickness absence.

- Maintain and monitor absence records.
- Provide training to line managers on management of absence and application of this policy.
- Liaise with Occupational Health practitioners on employee referrals for absence review.

## **6.0 Granting of Sick Leave**

6.1 Sick leave may be granted to an employee who is unable to perform their duties because of illness, injury or when absent for the purpose of obtaining health-related services (e.g. Doctor/Dentist) provided such appointments could not have been arranged outside of regular working hours or working days.

6.2 The granting of sick leave to an employee who is ill is intended to provide an adequate opportunity for that employee to recover from the illness and its effects so that they may make an early return to duty without a likelihood of a relapse into illness. Therefore, it would be contrary to the express purpose of this scheme to engage in any activity, (e.g. travel abroad, gainful employment or self-employment), which in the opinion of an Occupational Health Physician (OHP) could be regarded as impeding that employee's progress to recovery.

6.3 The approval of the employer must be sought prior to an employee travelling abroad while on sick leave. The employer must in turn seek the advice of an OHP before deciding on the matter.

## **7.0 Notification of Absence from Work due to Illness**

7.1 Absence from work as a result of illness must be notified by the staff member to their line manager or authorised deputy on the first day of absence before normal commencement of duty if possible but not later than 30 minutes after normal commencement of duty. The anticipated duration of absences, if known, should be notified to the line manager. Messages should not be left on voicemail.

7.2 If an employee becomes ill while on duty they must inform their immediate supervisor if it is their intention to go off duty. If an employee reports ill while on duty, all hours availed of as sick leave will be recorded as such. Employees who do not qualify for sick pay will be paid for the number of hours actually worked.

7.3 Failure to provide adequate notice of absence as a result of illness can result in considerable disruption to service provision and consequently repeated failure to provide such notice may result in the employee being subject to disciplinary action.

7.4 Employees are required to maintain contact with their line manager during periods of sick leave. In cases where the employee does not maintain regular contact, the line manager may initiate contact with the individual employee in relation to their absence.

## **8.0 Self Certified Sick Leave**

8.1 Where an employee is absent from work due to illness but does not attend a registered medical practitioner, such an absence will be classified as self-certified sick leave. Self-certified sick leave may not exceed two consecutive days on any occasion. Where two such periods of sick leave are interspersed by a period of rostered time off, a medical certificate will be required to cover the full period.

8.2 Paid sick leave for one or two day absences may be granted where an employee notifies the College that they are unfit for work due to illness. Such absences will not exceed 7 days in a rolling 24-month period.

8.3 Where an employee takes more than 7 days self-certified sick leave in a rolling 24 month period they will be informed in writing by the HR Office that any such period is an unpaid absence from duty and a recoupment from salary will be made. Unpaid absences do not count as pensionable service.

8.4 Access to paid self-certified sick leave is a privilege which may be withdrawn in certain circumstances such as where frequent absences are being taken or the maximum of 7 days is regularly approached or taken.

## **9.0 Medically Certified Sick Leave**

9.1 A medical certificate must be furnished to a supervisor on the third day of continuous absence owing to illness. Where the illness extends beyond the period of the first certificate further certificates must be furnished at weekly intervals from a Medical Practitioner. Certification for periods of up to one month may be permitted at the discretion of the College. Where two periods of sick leave are interspersed by rostered time off, such as a weekend, the full period will be counted as sick leave and will require medical certification.

9.2 The medical certificate should state the likely duration of the illness, must be signed by the doctor, must include the doctor's medical council registration number and must be on headed paper or bear an official stamp from the doctor's practice. It is not obligatory to state the nature of the illness however it may be advisable to do so. If required information is not provided the College will not accept the certificate and this may result in a delay in payment. It is the individual employee's responsibility to ensure that valid medical certificates are submitted.

## **10.0 Resumption of Duty**

10.1 Employees must communicate their intention to resume duty to their line manager at the earliest possible time. Where the employee has been on certified sick leave, the final certificate should state that the employee is fit to return to work.

10.2 Return to work meetings will be carried out, as appropriate, after periods of sickness absence. These meetings will take the form of an informal conversation between the employee and the line manager to discuss the employee's absence. The purpose of the meeting will be to:

- welcome the employee back to work,
- afford the employee an opportunity to make the line manager aware of the reasons for absence or of any implications of the absence on the employees

work or ability to work, or of any work-related issues which may be contributing to sick leave. There is no obligation on the employee to disclose the nature of illness to their line manager.

- give the line manager an opportunity to discuss any issues raised by the employee
- Update the employee on any important developments/changes that may have occurred during their absence.

## 11.0 Records

11.1 Sickness absence records will be maintained by the HR Office and will be monitored on a regular basis.

## 12.0 Absence Management Procedure

12.1 The absence management procedure will be initiated where individual employee's sick leave absence exceeds 28 calendar days (pro rata for part time staff) or a Bradford factor of 100 in the previous 12 months. The Bradford factor is calculated as the number of episodes of sick leave x the number of episodes of sick leave x the number of working days sick leave absence.

12.2 The first stage of the absence management procedure is a referral to an OHP for sickness absence review. Staff who present a medical certificate or otherwise indicating stress or similar or back or muscular pain as the reason for absence will, in the employees' interest, be referred to OH for review regardless of the duration of absence. Employees are expected to cooperate fully with referrals to OH and to attend appointments made for them. Employees who do not cooperate with such referrals may be refused sick pay and/or be subject to disciplinary proceedings.

12.3 The OHP may recommend work restrictions, adjustments or redeployments on a short or long term basis and these will be accommodated where possible subject to overall service needs. The OHP may also recommend counselling for staff (EAP), the cost of which is borne by the College.

12.4 Employees are expected to engage constructively with OH and to follow advice given, with a view to managing and reducing sick leave absence. Employees who do not engage constructively with OH and/or do not follow advice given may be refused sick pay and/or be subject to disciplinary proceedings.

12.5 If, after review by OH, there is not a satisfactory improvement in attendance the employee will be invited to a meeting with the line manager and a representative from the HR Office. The purpose of the meeting will be to review the employees absence record, to review measures that have been taken to date, to afford the employee the opportunity to raise any issues with regard to their sick leave absence and, where appropriate, to inform the employee that if there is not a satisfactory improvement in attendance within a specified time frame the disciplinary procedure may be invoked which could eventually result in the employee's employment being terminated on the grounds of capability. In the case of employees on long term sick leave this meeting will only take place if appropriate in the circumstances.

12.6 The Human Resources Office will continue to monitor the employee's

attendance and will correspond with the employee as necessary. If there is no subsequent improvement in attendance, the disciplinary procedure will be invoked. Warnings will be issued in accordance with the Disciplinary Policy and if unsatisfactory attendance continues the employment may be terminated.

12.7 In the case of employees on long term sick leave the option to terminate the employment will only be considered where the duration of the sick leave is such that sick pay entitlements have been exhausted, there is no reasonable prospect of an early return to work and the employees continuing absence poses actual or potential operational difficulties for the College. In all such cases ill health retirement will be considered as a first option.

### 13.0 Sick Pay

13.1 Employees who have a minimum 3 months continuous employment with the College may be granted sick pay subject to the terms of the Public Service Sick Leave Scheme and the employee's contract. Sick pay is discretionary, is contingent on full cooperation with attendance management measures and may be withheld by the President where circumstances warrant same.

13.2 The Public Service Sick Leave Scheme provides for:

1. *Ordinary Sick Pay*: A maximum of 3 months on full pay in a one year period, followed by a maximum of 3 months on half pay subject to a maximum of 6 months paid sick leave in a rolling 4 year period.
2. *Critical Illness Sick Pay*: Access to 6 months on full pay, followed by a maximum of 6 months on half pay subject to a maximum of 1 year's paid sick leave in a rolling 4 year period.
3. *Temporary Rehabilitation Pay (TRR)*: Following periods of sick leave there is provision for Temporary Rehabilitation Pay for individuals who need a longer period of time to address their health needs. TRR will not exceed 18 months (548 days) in the case of ordinary illness. In the case of an employee who has been granted extended sick pay under the critical illness provisions, he/she may have access to 12 months (365 days) TRR followed by a further period of TRR not exceeding 24 months (730 days). This further period of TRR is subject to regular reviews by an OHP.

13.3 If an employee has an ordinary illness within a 12 month period of the start date of the granting of a critical illness, the critical illness provisions will apply.

13.4 Where an overpayment of salary arises, for example, as a result of the late recording of sick leave absences, such overpayment will be recouped from the employee's future salary payment.

13.5 Employees who are on class A rate of PRSI and who qualify for sick pay from the College are entitled to be paid the difference between their basic pay and the relevant rate of Social Welfare illness benefit. The College will pay an employee who is eligible for sick pay their normal salary at full or half pay and the employee is required to claim illness benefit from the Department of Social Protection and remit payment to MIC. It is a matter for individuals to comply with the requirements laid

down by the Department of Social Protection as a condition of claiming benefit.

#### **14. Maternity Related Illness Provisions**

14.1 If a pregnant employee is medically unfit for work due to a pregnancy-related illness and has exhausted sick leave at half pay they will continue to receive sick leave at half pay for the duration of her pregnancy-related illness, prior to going on maternity leave. This is regardless of whether they have reached the maximum limit for half pay due to prior sick leave.

14.2 If an employee is unfit for work following maternity leave, their access to sick leave at half pay will be extended by the period of absence on sick leave at half pay due to pregnancy-related illness, which occurred before they went on maternity leave.

#### **15.0 Sick Leave and Other Leave**

15.1 A rest day or rostered day off falling within a period of sick leave will be recorded as a sick day. Under no circumstances will additional time off in lieu of the rest day be granted.

15.2 If a public holiday occurs during a period of medically certified sick leave, an employee who normally works Monday to Friday (and takes public holidays as they fall) will be entitled to a paid day off in lieu of the public holiday following their return to work. An employee is not entitled to a public holiday if absent from work immediately before the holiday for one of the following reasons:

- Absence in excess of 52 consecutive weeks by reason of an occupational injury.
- Absence in excess of 26 consecutive weeks by reason of an illness or injury (not referred to above).
- Absence in excess of consecutive 13 weeks caused by a reason not referred to above but being an absence authorised by the employer, including lay off.
- Absence by reason of a strike.

15.3 Statutory annual leave is accrued for periods of sick leave. Statutory annual leave accrued during sick leave may be carried over to a new leave year but must be taken within 15 months of the end of the leave year in which it is accrued or it will be forfeited.

15.4 An employee on sick leave cannot commence a period of annual leave without first returning to work or providing a medical certificate confirming fitness to return to work. A period of sickness during annual leave, which is covered by a medical certificate, is not counted as annual leave.

15.5 Where an employee is ill on a day on which they are scheduled to take parental leave, that day will be recorded as parental leave unless the employee requests in writing that the day is instead recorded as sick leave.



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